

## REMARKS

Reconsideration and allowance for the above-identified claims are now respectfully requested. Claims 1-28 are each pending, of which claims 1, 12, 15, 17, 20, 22, and 24 are independent claims, and claims 2-11, 13-14, 16, 18-29, 21, 23, and 25-28 are corresponding dependent claims.

The *Office Action* rejected each of claims 1-4, 8-11, 17, 18, and 20 as being anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,059,695 to Hung, et al. ("*Hung*"). The *Office Action* further rejected each of claims 5-7, 12-16, 19, and 21-28 as obvious under 35 U.S.C. § 103(a) over *Hung* in view of U.S. Patent No. 5,868,648 to Coody, et al. ("*Coody*").

The *Hung* reference discloses a treadmill that can be folded into a storage position, such that the front of the treadmill is brought roughly perpendicular with the base. In particular, the treadmill of *Hung* includes a base, a deck pivotally mounted to the base, and a "handle frame" pivotally mounted to the deck. A console is further mounted to the top of the handle frame. Col. 2, ll. 6-11. When a user is ready to store the treadmill, the user collapses the treadmill so that the handle frame and console are moved in an arcuate motion toward the base, and ultimately positioned proximate the rear portion of the base. *See* Figure 4. In the storage configuration, however, both the handle frame and the console of the *Hung* apparatus extend beyond the end of the base.

As such, *Hung* fails to disclose each of the limitations of amended claim 1, which includes "wherein said deck and said base define a footprint on a support surface when said deck is in said operational position, and wherein said handrail and said deck remain entirely within said footprint as said deck is moved between said operational position and said storage position." Consequently, the 102(e) rejection of claim 1 is now moot. Similarly, *Hung* also fails to disclose

that "said handrail does not extend beyond said rear end of said base when said deck is in said storage position". Consequently, the 103(a) rejections with respect to claims 12 and 15 are also now moot.

In addition, *Hung* teaches use of a separate "screw rod driven angle adjuster", which presumably is for adjusting an incline angle of the *Hung* treadmill, and is, in any event, a separate apparatus and function from that used for folding the treadmill. *See* col. 1, ll. 55-63, and col. 2, ll. 43-61. Accordingly, *Hung* also fails to disclose each of the limitations of claims 17 and 20, which include a "mechanism" or "inclination means" configured for "varying the inclination of said deck relative to a support surface, and for moving said deck between said operational position and said storage position." Consequently, the 102(e) rejection of claims 17 and 20 are also now moot.

The *Coody* reference also discloses a treadmill that can be folded into a storage position, albeit one that folds in an opposite direction to that of the present invention. In addition, *Coody* teaches a combination of a cylinder ("52") and a gas shock ("50") for aiding a user in manually moving a deck to a operating or storage position, and vice versa. *See, e.g.*, col. 4, ll. 20-50. *Coody* also teaches use of a separate motor ("100") and incline bracket ("102") assembly, which are used to incline or decline the deck when in the operable position.

Accordingly, *Coody* fails to teach "a mechanism configured to vary the inclination of said deck from a first operational position to a second operational position in relation to a support surface and to move said deck between said second operational position and said storage position". Similarly, *Coody* fails to teach "a motor operably coupled to an extension and to said deck, wherein said motor is configured such that moving said extension with respect to said motor changes the incline of said deck, and such that continued moving of said extension with

respect to said motor causes said deck to move from said operational position to said storage position". Consequently, the 103(a) rejections with respect to independent claims 22 and 24 are also now moot.

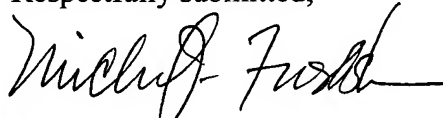
Accordingly, Applicant respectfully submits that independent claims 1, 12, 15, 17, 20, 22, and 24, as well as dependent claims 2-7, 9-11, 13-14, 16, 18-29, 21, 23, and 25-28, are each now allowable. Furthermore, Applicant has also added new dependent claims 29-38 to further clarify some of the subject matter in claims 17, 20, 22, and 24. Since independent claims 17, 20, 22, and 24 are now allowable, new dependent claims 29-37 are also allowable.

Finally, Applicant has added new independent claim 38, which contains no new matter, and is directed to primarily to the novel apparatus used for inclination/declination and storage/operational positioning purposes. As such, Applicant respectfully submits that independent claim 39 is also allowable.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 1 day of March, 2004.

Respectfully submitted,



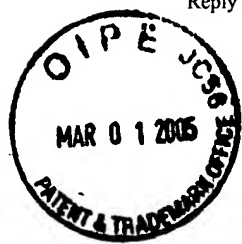
Michael J. Frodsham

### **AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings includes changes to Figure 6 to now denote treadmill 200, which number was missing in the original drawing sheet, but described in the specification. This sheet, which includes both Figures 6 and 7, replaces the original sheet of the same Figures and enters no new matter.

Attachment: Replacement Sheet

Application No. 10/083,453  
Amendment "B" dated March 1, 2005  
Reply to Office Action mailed October 1, 2004



## APPENDIX